



U.S. Department of Justice

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February 27, 2020

The Honorable Leo I. Brisbois
United States District Court
515 West First Street, Room 412
Duluth, MN 55802-1397

Via CM/ECF

**Re: *Biron v. Sawyer,*
No. 19-cv-2938 (SRN/LIB)**

Dear Judge Brisbois,

I write to bring new facts to the Court's attention regarding the above case. On February 13, 2020, Plaintiff Lisa Biron filed a Motion to Correct Judgment with her sentencing court. In her Motion, Biron asked the court to correct a discrepancy between the sentence pronounced by the court at sentencing and the written judgment. The United States responded on February 20, 2020, agreeing that when in conflict with a written judgment, the oral sentence controls. On February 24, 2020, the court granted Biron's Motion in a text order, which stated "Motion granted. The judgment shall be corrected as proposed in the motion."

The effect of the sentencing court's Order is to replace the written special condition that states "The defendant may not directly or indirectly contact the victim or any child under age 18" with the special condition pronounced by the court at sentencing: "The defendant shall not directly or indirectly contact the victim or any persons under the age of 18 except in the presence of a responsible adult who is aware of the nature of the defendant's background and current offense and who has been approved by the probation officer."

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In light of this new fact, Defendants do not oppose Biron's Motion to Withdraw her Verified Motion for Summary Judgment and Preliminary Injunction. Defendants likewise request to withdraw and re-file their Motion to Dismiss within 30 days and request a revised briefing order be issued.

Sincerely,

ERICA H. MacDONALD
United States Attorney

s/ Andrew Tweeten

ANDREW TWEETEN
Assistant United States Attorney

Enclosures:

Motion to Correct Judgment, *United States v. Biron*, No. 12-cr-140-PB (D.N.H. Feb. 13, 2020) (Doc. 75).

Government's Response to Motion to Correct Judgment, *United States v. Biron*, No. 12-cr-140-PB (D.N.H. Feb. 20, 2020) (Doc. 76).

Docket, *United States v. Biron*, No. 12-cr-140-PB (D.N.H. accessed Feb. 25, 2020).

c: Plaintiff Lisa Biron (via U.S. Mail)